



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO	CONFIRMATION NO
10 087,718	03 01 2002	Kishan Khemani	11527.355	7476

22913 7590 11 05 2002

WORKMAN NYDEGGER & SEELEY
1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY, UT 84111

EXAMINER

RAJGURU, UMAKANT K

ART UNIT	PAPER NUMBER
----------	--------------

1711

6

DATE MAILED: 11 05 2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

Applicant(s)

Examiner

Group Art Unit

--The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address--

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 1-23 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

Responsive to communication(s) filed on

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-23 is/are pending in the application.
- Of the above claim(s) is/are withdrawn from consideration.
- Claim(s) is/are allowed.
- ☒ Claim(s) 1-23 is/are rejected.
- Claim(s) is/are objected to.
- Claim(s) are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The proposed drawing correction, filed on is approved disapproved.

The drawing(s) filed on is/are objected to by the Examiner.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number)

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received:

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 485 Interview Summary, PTO-413
- ☒ Notice of References Cited, PTO-892 Notice of Informal Patent Application, PTO-152
- Notice of Draftsperson's Patent Drawing Review, PTO-948 Other

Office Action Summary

1. Claims under examination are 1-23.
2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 14 is indefinite because it is not clear how much free is instantially free

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Andersen et al (USP 6168857).

Andersen discloses compositions and methods for manufacturing starch-based compositions. They have a binding matrix based on starch and an auxiliary polymer (col. 2, lines 23-29). Fibers and inorganic mineral fillers are included for reinforcement. Various fillers are listed in col. 21, lines 42-54. Articles of manufacture are sheets. Calcium carbonate is a suitable filler. Particles of it vary from 10-150 microns in size (col. 22, lines 3-6). Sheets are produced in various thicknesses as can be seen from examples. Thickness varies from 0.1 mm (example 1) to 0.5mm (col. 62, lines 49-53).

It is therefore seen that patentee indirectly satisfies the limitation of instant claim 1 when filler of particle size e.g. of 100-150 microns is used to make a sheet of 0.1 mm i.e. 100 microns. Starch is used at 15% by wt while inorganic filler is used at 9% by wt (col. 66, lines 33 and 35). This teaching satisfies limitation of instant claim 3.

It is noted that patentee does not mention limitation of "dead-fold" of instant claims 6, 7, 8 and 17 as well as, a moisture vapor transmission rate of instant claim 12. It is the examiner's position that since patentee discloses the claimed article made from the claimed composition with same ingredients, in same or overlapping amounts, it is reasonable to infer, unless proved otherwise, that composition of patentee satisfies these limitations inherently.

Above claims therefore lack novelty.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.


Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andersen et al USP 6168857).

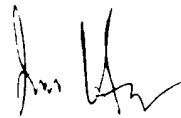
Disclosure of Andersen summarized above shows that claims 1-23 are unpatentable over Andersen since it would be obvious to flow teachings of Andersen and arrive at claimed invention.

6. Any inquiry concerning this communication from the examiner should be directed to U.K. Rajguru whose telephone number is 703-308-3224. The examiner can generally be reached on Monday-Friday 9:30 am-6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Seidleck can be reached on 703-308-2462. The fax phone numbers for the organization where this application is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is 703-308-0661.


U.K. Rajguru/dh
October 30, 2002


James J. Seidleck
Supervisory Patent Examiner
Technology Center 1700